

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

John Doe,	:	
	:	
Plaintiff,	:	Civil Action No. 5:23-cv-00943-JFL
	:	
v.	:	
	:	
Franklin & Marshall College,	:	Electronically Filed
	:	
Defendant.	:	
	:	

**BRIEF IN SUPPORT OF DEFENDANT FRANKLIN & MARSHALL'S
MOTION FOR PERMISSION TO FILE DOCUMENTS UNDER SEAL**

On March 14, 2023, the Court granted Plaintiff John Doe's motion to operate under pseudonym in this matter. *See* ECF No. 5. The order also precluded Defendant Franklin & Marshall College (the "College") from identifying Plaintiff publicly, in court filings or otherwise ("March 14 Order"). *Id.* To date, the parties have complied with the March 14 Order without issue.

On July 1, 2024, the College filed its Motion for Summary Judgment and supporting documents, including exhibits identifying Plaintiff and non-party students ("Motion"). In order to remain in compliance with the March 14 Order, the College redacted all personally identifiable information about Plaintiff from the Motion. The College also redacted personally identifiable information about non-party students in the interest of protecting the rights to privacy and confidentiality afforded to those students by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA"). The College, however, believes allowing the College to file the requested documents under seal will provide the Court with a more comprehensive understanding

of the issues in this case, leading the College to file this brief in support of its Motion for Permission to File Documents Under Seal.

A court may grant a motion to seal where the interest in secrecy outweighs the presumptive public right of access to documents because the “material is the kind of information that courts will protect and that disclosure will work a clearly defined and serious injury to the party seeking closure.” *In re Avandia Mktg., Sales Pracs. & Prod. Liab. Litig.*, 924 F.3d 662, 672 (3d Cir. 2019). In light of the privacy rights leading the Court to enter the March 14 Order, and other the privacy rights of non-party students implicated by documents relevant to this matter, the College moves the Court to permit all documents identified in the Proposed Order for this Motion For Permission to File Documents Under Seal.

Date: July 1, 2024

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CERTIFICATE OF SERVICE

I, Joshua W.B. Richards, certify that on this date I filed via the ECF system a true and correct copy of the foregoing *Brief in Support of Defendant Franklin & Marshall's Motion for Permission to File Documents Under Seal*, which constitutes valid service on the following registered users:

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